

Remarks:

Applicant appreciatively acknowledges the Examiner's confirmation of receipt of Applicant's claim for priority and certified priority document under 35 U.S.C. § 119(a)-(d).

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 1 - 7 are presently pending in the application. Claims 1 - 5 are subject to examination and claims 6 - 7 have been withdrawn from examination. Claims 1, 6 and 7 have been amended.

In item 4 of the above-identified Office Action, claims 1 - 5 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 4,340,846 to Putt ("**PUTT**").

Applicant respectfully traverses the above rejections, as applied to the amended claims.

More particularly, Applicant has amended claim 1 to recite, among other limitations:

a second magnetic force effect produced between the first movable part and the second movable part, for moving the second movable part along the axis, a second magnetic force effect produced between the first movable part and the second movable part, for moving the second movable part along the axis, **said**

second movable part being movable by said second magnetic force effect independent of movement of the first movable part.. [emphasis added by Applicant]

The withdrawn method claims 6 and 7 have been amended to recite similar limitations, among others. As such, all of Applicant's claims now require, among other limitations, that **the second movable part is movable by the second magnetic force effect independent of movement of the first movable part**. In other words, in Applicant's claimed invention, the second movable part can be moved under the influence of the second magnetic force effect **separately from and/or without the movement of** the first movable part. The amendments to Applicant's claims are supported by the specification of the instant application, for example, in paragraph [0030] of the instant application, which states, in part:

In order to cause the plunger-type armature 12 to move, current must likewise be passed through the third field winding 9 in a first direction. The force effect on the high-permeability boundary surfaces results in a movement of the plunger-type armature 12, and the magnetic gap 19 is closed **(see FIG. 2 after FIG. 3)**. The linear movement of the plunger-type armature 12 moves the movable contact piece 14 to its on position. [emphasis added by Applicant]

See, for example, Figs. 2 and 3 of the instant application, referenced in the above-quoted portion of paragraph [0031]. Additionally, paragraph [0031] of the instant application states, in part:

The plunger-type armature 12 and the first movable part 6 then move virtually at the same time. **In order to co-ordinate the movement sequence of the movement of the first movable part 6 and of the plunger-type armature 12, it is optionally possible to provide for current likewise to be passed through the third field coil 9 in a second direction, by means of a control apparatus.** This reinforces the force effect on the plunger-type armature 12, since a magnetic field in the opposite direction to that of the second permanent magnet 11 weakens the magnetic field from the permanent magnet 11, and thus reduces the holding forces between the plunger-type armature 12 at the first movable part 6. **This forces the plunger-type armature 12 to move before any movement of the first movable part 6** (see FIG. 4, after FIG. 5). [emphasis added by Applicant]

Thus, in Applicant's invention, **the second movable part can be moved under the control of the second magnetic field effect independently of any movement of the first moveable part.**

This is not the case with the invention of the **PUTT** reference.

More particularly, the **PUTT** reference discloses a magnetic apparatus for producing movement wherein a driven paramagnetic member located between two stationary magnetic members is moved in opposite directions by alternately energizing intermediate magnets which are located between the stationary members and the driven member. See, for example, the Title and Abstract of **PUTT**. Page 3 of the Office Action analogized the electromagnets 8 and 10 of **PUTT** to Applicant's particularly claimed first and second movable parts, respectively. Applicant respectfully disagrees.

In contrast to Applicant's presently claimed invention, the electromagnets 8 and 10 of **PUTT** cannot be moved independently of one another. Rather, in **PUTT**, the electromagnets 8 and 10 are rigidly connected together for concurrent movement by a **nonmagnetic connector bar 12** of **PUTT**. See, for example, col. 3 of **PUTT**, lines 9 - 12, which states:

The electromagnets 8 and 10 are relatively movable with respect to the members 2, 4 and 6 and they are rigidly connected together for concurrent movement by a nonmagnetic connector bar 12. [emphasis added by Applicant]

PUTT further discloses that the windings 14 and 16 of the electromagnets 8 and 10 are energized at different times. See, for example, col. 3 of **PUTT**, lines 24 - 26. Thus, when the windings 14 of the electromagnet 8 of **PUTT** are energized, both electromagnets 8 and 10 of PUTT are moved concurrently. See, for example, the direction arrows in Fig. 2 of **PUTT**.

Similarly, when the windings 16 of the electromagnet 10 of **PUTT** are energized, both electromagnets 8 and 10 of PUTT are again moved concurrently. Thus, in **PUTT**, energizing the windings 14, 16 of either electromagnet 8, 10 results in the movement of both electromagnets 8, 10 of **PUTT**.

Put another way, **PUTT** fails to teach or suggest Applicant's particularly claimed second magnetic force effect produced

between a first movable part and a second movable part, for moving the second movable part along an axis independent of the movement of the first movable part. Rather, in PUTT, neither electromagnet 8, 10 can move independently of the other, under any condition, and certainly not under the control of one of the electromagnetic fields created by energizing the winding 14, 16 of PUTT.

Additionally, the **PUTT** reference cannot be modified by a person of ordinary skill in this art in any way that would produce Applicant's presently claimed invention. M.P.E.P. § 2143.01(VI) states, in part:

VI. THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

PUTT specifically teaches that, in order to operate as described, the electromagnets 8 and 10 must be rigidly connected together for concurrent movement. See, col. 3 of **PUTT**, lines 9 - 12. Modifying this teaching of **PUTT** would impermissibly change the entire principle of operation of the **PUTT** reference, and thus, is not permitted under M.P.E.P. § 2143.01(VI).

For the foregoing reasons, among others, Applicant's independent claim 7 is believed to be patentable over the **PUTT** reference. Because claims 6 and 7 have been amended to include all of the limitations of Applicant's allowable claim 1, it is believed that these claims are additionally patentable over the **PUTT** reference, and rejoinder of claims 6 and 7 under M.P.E.P. § 821.04(b).

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 1, 6 and 7. Claims 1, 6 and 7 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1 - 7 are solicited and rejoinder of claims 6 - 7 is respectfully requested.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Additionally, please consider the present as a petition for a one (1) month extension of time, and please provide a one (1) month extension of time, to and including, February 17, 2009, to respond to the present Office Action.

The extension fee for response within a period of one (1) month pursuant to Section 1.136(a) in the amount of \$130.00 in accordance with Section 1.17 is enclosed herewith.

Please provide any additional extensions of time that may be necessary and charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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For Applicant

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